

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**KIMBERLY STARLING,**

**Plaintiff,**

**v.**

**DAVID ALLEN CAPITAL, INC.,**

**Defendant.**

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**Civil Action No. 4:21-cv-00688-O**

**ORDER**

Before the Court is Defendant David Allen Capital, Inc.’s Motion to Dismiss Plaintiff’s Complaint (ECF No. 9), filed June 25, 2021, and Plaintiff’s Motion to Strike Defendant’s “Answer and Motion to Dismiss” (ECF Nos. 11–12), filed July 8, 2021. According to the docket sheet and Defendant’s Motion, Defendant seeks to represent itself. *See* Def.’s Mot. 2, ECF No. 9.

“[A] corporation can appear in a court of record only by an attorney at law.” *Southwest Express Co. v. \*932 Interstate Commerce Comm’n*, 670 F.2d 53, 55 (5th Cir. 1982). When a corporation declines to hire counsel to represent it, the court may properly dismiss its claims or strike its defenses. *Robinette v. Merrill Lynch*, No. 3:97-cv-0353D, 1998 WL 641815, at \*1 (N.D. Tex. Sept. 16, 1998); *see also Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984) (per curiam) (The defendant corporation’s sole shareholder “declined to hire counsel to represent the corporation so the district court properly struck the defenses of the corporation.”).

Thus, the Court **ORDERS** Defendant to obtain counsel on or before **July 23, 2021**. Failure to enter an appearance by counsel on its behalf by that day will result in its defenses be stricken and the Court's instruction to Plaintiff to seek entry of default and default judgment.

**SO ORDERED** on this **8th day of July, 2021**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE